

NPDES Permit No. DC0000175 (Draft)

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
PERMIT NO. DC0000175**

In compliance with the provisions of the Clean Water Act (the "Act"), as amended, 33 U. S. C. §1251 et seq.,

Super Concrete Ready-Mix Corporation (d/b/a Aggregate Industries)
Aggregate Industries (Mid-Atlantic Region)
6401 Golden Triangle Drive, Suite 400
Greenbelt, Maryland 20770

is authorized to discharge from a facility located at

5001 Totten Drive, N.E.
Washington, D.C. 20011

to receiving waters named

Unnamed tributary
Northwest Branch of the Anacostia River

in accordance with effluent limitations , monitoring requirements and other conditions set forth in Parts I, II, III herein.

The effective issuance date of this permit is _____.

This Permit and the authorization to discharge shall expire 5 years from the date of issuance, unless the permittee has submitted a complete and timely application for a new permit, and EPA, through no fault of the permittee, does not issue a new permit before the expiration date of this permit.

This permit and the authorization to discharge shall expire at midnight, on

Signed this day of

Jon M. Capacasa, Director
Water Protection Division
US Environmental Protection Agency
Region III

Part I

Section A. Effluent Limitations and Monitoring Requirements

During the period beginning the effective date and lasting through the expiration date, the permittee is authorized to discharge from outfall number 004 (38°56'55" latitude and 77°00'21" longitude) storm water from stock piles, production area and paved areas, and process water from truck washing and facility sweeping.

Such discharges shall be limited, monitored, and reported by the permittee as specified below:

Parameter	Discharge Limitations				Monitoring Requirements	
	lb/day		other units		Frequency	Sample
	Average Monthly	Max Daily	Average Monthly	Max Daily		
Flow	N/A	N/A	N/A	N/A	*	Report only
Total Suspended Solids (TSS)	33 lbs/day	66 lbs/day	23.4 mg/l	46.8 mg/l	*	grab
Oil and Grease	N/A	N/A	10 mg/l	15 mg/l	*	grab
Biochemical Oxygen Demand (BOD)	N/A	N/A	N/A	N/A	*	Report only

*monitoring and reporting shall be performed each time a discharge occurs.

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored weekly by a grab sample.

The discharge shall be free from floating solids, sludge deposits, debris, oil and scum in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: Outfall No. 004 only.

Part II
STANDARD CONDITIONS FOR NPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may result in an enforcement action; permit termination, revocation and reissuance, or modification; and/or denial of a permit renewal application.

2. Penalties for Violations of Permit Conditions

The Clean Water Act provides that any person who violates any permit condition or limitation implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act, or any permit condition or limitation implementing such section, or any requirement imposed in an approved pretreatment program and any person who violates any Order issued by EPA under Section 301(a) of the Act, shall be subject to a civil penalty not to exceed \$32,500 per day for each violation, and to an action for appropriate relief including a permanent or temporary injunction.

Any person who negligently violates Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, any permit condition or limitation implementing any such section, shall be punished by a fine of not less than \$5,000 nor more than \$50,000 per day of such violation, or by imprisonment for not more than 3 years, or by both.

Any person who knowingly violates any permit condition or limitation implementing Section 301, 302, 305, 307, 308, 318, or 405 of the Clean Water Act, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment of not more than 15 years, or by both.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all

relevant facts;

- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information newly acquired by the Agency, including but not limited to the results of the studies, planning, or monitoring described and/or required by this permit;
- e. Facility modifications, additions, and/or expansions;
- f. Any anticipated change in the facility discharge, including any new significant industrial discharge or changes in the quantity or quality of existing industrial discharges that will result in new or increased discharges of pollutants; or
- g. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.
- h. The effluent limitations are based on the District of Columbia's water quality standards and Total Maximum Daily Load (TMDL) documents prepared in accordance with Clean Water Act. In the event of a revision of the District of Columbia's water quality standards and/or the TMDLs, this permit may be modified by EPA to reflect this revision.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. When a permit is modified, only conditions subject to modification are reopened.

5. Toxic Pollutants

Notwithstanding paragraph A-4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, the permittee shall comply with such standard or prohibition even if the permit has not yet been modified to comply with the requirement.

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic standards within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Section B, Paragraph B-3 and "Upsets" Section B, Paragraph B-4, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

8. States Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

9. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

11. Transfer of Permit

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. The current permittee notifies the EPA, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement, between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The EPA does not notify the current permittee and the new permittee of intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted.

12. Construction Authorizations

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

13. Reopener Clause for Permits

This permit shall be modified or revoked and reissued, to incorporate any applicable effluent standard or limitation issued or approved under Section 301, 304, or 307 of the Clean Water Act, in accordance with the Chesapeake Bay Agreement based on water quality considerations, and if the effluent standard or limitation so issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

This permit may also be reopened as specified in CFR 40, Part 122.44

14. Endangered Species

The United States Fish and Wildlife Service (FWS) has indicated that the Hay's Spring Amphipod, a Federally listed endangered species, under the Endangered Species Act is known to reside in several locations within the District of Columbia. The National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) has indicated that the endangered Shortnose Sturgeon has been known to exist in the Potomac River drainage basin and may occur within the waters of the District of Columbia. The FWS and NOAA Fisheries have indicated that at the present time there is no evidence that the discharge covered by this permit is adversely affecting these species. Wastewater discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are not authorized under the terms and conditions of this permit.

The monitoring required by this permit will allow further evaluation of potential effects on these threatened and endangered species once monitoring data has been collected and analyzed. EPA requires that the permittee submit to NOAA Fisheries and EPA on January 31 of each calendar year, an annual summary of the monitoring data collected under this permit which will be used to further assess effects on endangered or threatened species. If these data indicate it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on the habitats of these species.

The above referenced annual summary of monitoring data is required under this permit to be sent on an annual basis to:

United States Environmental Protection Agency
Region III (3WP41)
Water Protection Division
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

NOAA National Marine Fisheries Service
Protected Resource Division
One Blackburn Drive
Gloucester, Massachusetts 01930
Attn: Ms. Julie Crocker

SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

2. Duty to Halt or Reduce Activity

Upon reduction, loss, or failure of the treatment facility, the permittee shall, either to the extent necessary to maintain compliance with its permit, control production or halt all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or lost. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass of Treatment Facilities

a. Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which

can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this Section.

- c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-6 (24-hour notice).

- d. Prohibition of bypass.

(1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c of this Section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d(l) of this Section.

4. Upset Conditions

- a. Definition. "Upset" means an exceptional incident in which there is

unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this Section are met. The determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- (2) The permitted facility was at the time being properly operated;
- (3) The permittee submitted notice of the upset, as required in Section D, paragraph D-6; and
- (4) The permittee complied with any remedial measures required under Section A, paragraph A-3.

d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

5. Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent all pollutants from such materials from entering navigable waters except in compliance with this permit.

SECTION C. MONITORING AND RECORDS

1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in this permit. Monitoring points shall not be changed without

notification to and the approval of the Director.

2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device.

3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 and subsequent updates, unless other test procedures have been specified in this permit.

4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with or knowingly render inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Monitoring results should be reported monthly. Monitoring results obtained during the previous month shall be summarized and reported on a DMR form postmarked no later than the 28th day of the following month. Reports shall be signed and submitted to the following addresses:

U.S. EPA Region III(3WP30)
Water Protection Division
NPDES DMRs
1650 Arch Street
Philadelphia, PA 19103

District Department of the Environment
Natural Resources Administration
51 N Street, N.E., 5th Floor
Washington, D.C. 20002

6. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136, and subsequent updates, or as specified in this permit, the result of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR) form. Such frequency shall also be indicated.

7. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

8. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, time and methods of sampling or measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and
- f. The results of such analyses.

9. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises at reasonable times where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, processes, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

10. Definitions

- a. The "daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- b. The "average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during the month.
- c. The "average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.
- d. "The Maximum daily discharge" limitations means the highest allowable "daily discharge."
- e. Composite Sample - A combination of individual samples obtained at regular intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.
- f. Grab Sample - An individual sample collected in less than 15 minutes.
- g. "i-s" (immersion stabilization) - A calibrated device is immersed in the effluent stream until the reading is stabilized.
- h. The "monthly average" temperature means the arithmetic mean of temperature measurements made on an hourly basis, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar month, or during the operating month if flows are of shorter duration.
- i. The "daily maximum" temperature means the highest arithmetic mean of the temperature observed for any two (2) consecutive hours during a 24-hour day, or during the operating day if flows are of shorter duration.
- j. "At outfall xxx" - A sample location before the effluent joins or is diluted by an other waste stream, body of water, or substance or as otherwise specified.
- k. Estimate - to be based on a technical evaluation of the sources contributing to

the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.

I. "EPA" or "Director" means the U.S. Environmental Protection Agency.

SECTION D. REPORTING REQUIREMENTS

1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility.

2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers

This permit is not transferable to any person except after notice to the Director as specified in Section A, paragraph A-11. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Section C, paragraph C-5 (monitoring).

5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance may include any remedial actions taken, and the probability of meeting the next schedule requirement.

6. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including

exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation in the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part III of the permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours and the noncompliance does not endanger health or the environment.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D, Paragraphs D-1, D-4, D-5, and D-6 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-6.

8. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:"

- (1) One hundred micrograms per liter (100 ug/l);

- (2) Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

- (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application;

- (4) The level established in Part III of the permit by the Director.

- b. That they have begun or expect to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

9. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

10. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. In the event that a timely and complete reapplication has been submitted and the Director is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

11. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified as required by 40 CFR 122.22.

12. Availability of Reports

Unless a business confidentiality claim is asserted pursuant to 40 CFR Part 2, all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the state water pollution control agency and the EPA Regional Administrator. If a business confidentiality claim is asserted, the report will be disclosed only in accordance with the procedures in 40 CFR Part 2. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

13. Penalties - Criminal

The Clean Water Act, 33 U.S.C. Section 1319(c), subjects persons violating a permit condition, providing false information in documents required to be maintained by the statute and its regulations, or tampering with monitoring equipment to criminal prosecution. Knowing violations are punishable by a prison term of up to three years, a fine between \$5,000 and \$50,000 per day of violation, or both. Knowing violations which place a person in imminent danger of death or serious bodily injury may be punished by a prison term of up to 15 years, a fine of up to \$250,000, or both. In the case of an organization, the maximum fine for this crime is \$1,000,000. Negligent

violations are punishable by a prison term up to one year, a fine between \$2,500 and \$25,000 per day of violation or both. Falsifying documents required to be maintained by the Clean Water Act or tampering with monitoring equipment are punishable by a prison term of up to two years, a fine of \$10,000 or both. False statements concerning matters with the jurisdiction of a federal agency are also punishable pursuant to 18 U.S.C. 1000 by a prison term of up to five years, a fine of up to \$10,000 or both.

14. Correction of Reports

If the permittee becomes aware that it submitted incorrect information in any report to the Director, it shall promptly submit the correct information.

Part III
SPECIAL CONDITIONS

1. Amendment to Existing Storm Water Pollution Prevention Plan (SWPPP)

A. The permittee shall amend the current SWPPP in accordance with the appropriate storm water regulations and submit the amended SWPPP to the EPA Regional Office and the District Department of the Environment for review whenever:

There is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States, or:

(1) EPA notifies the permittee of its finding that the SWPPP is ineffective in eliminating or minimizing pollutants from identified sources, or;

(2) EPA notifies the permittee of its finding that storm water runoff from the facility causes, or has a reasonable potential to cause, or contributes to a violation of D.C. Water Quality Standards (WQS).

B. The SWPPP shall require the implementation of best management practices (BMPs) to prevent or reduce pollution in storm water discharges. BMPs include schedules or activities; prohibitions of practices; maintenance procedures; treatment requirements; operating procedures, practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

C. Contents of Existing and Subsequent Amendments to the Plan -The permittee shall review all changes/revisions to the plan as well as the current plan itself to ensure that the following items are included, as a minimum:

(1) Pollution Prevention Team - Each plan shall identify a specific individual or individuals within the facility organization as members of a Storm Water Pollution Prevention Team that are responsible for developing the Plan and assisting the facility or plant manager in its implementation, maintenance, and revision. The Plan shall clearly identify the responsibilities of each team member. The activities and responsibilities of the team shall address all aspects of the facility's Storm Water Pollution Prevention Plan.

(2) Description of Potential Pollutant Sources - Each plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each plan shall include at a minimum:

(a) Drainage - A site map indicating an outline of the portions of the

drainage area of each storm water outfall that are within the facility boundaries, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, locations where significant materials are exposed to precipitation, locations where major spill or leaks may occur or did occur as fueling stations, vehicles and equipment maintenance and /or cleaning areas, loading/unloading areas, locations used for treatment, storage or disposal of wastes liquid storage tanks, processing areas and storage areas. Identify the direction of flow of storm water and type of pollutants which are likely to be present in the storm water. Flows with a significant potential for causing erosion shall also be identified.

(b) Inventory of Exposed Materials - An inventory of the types of materials handled at the site that potentially may be exposed to precipitation. Such inventory shall include a narrative description of significant materials that have been handled, treated, stored or disposed in a manner to allow exposure to storm water; method and location of on-site storage or disposal; materials management practices employed to minimize contact of materials with storm water runoff; the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and a description of any storm water treatment.

(c) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred at areas exposed to precipitation.

(d) A summary of all existing sampling data describing pollutants in storm water discharges.

(3) Measures and Controls - The permittee shall develop a description of storm water management controls appropriate for this facility, and implement such controls. The controls shall address the following minimum components, including a schedule for implementing such controls.

(a) Good Housekeeping - Good Housekeeping that requires the maintenance of a clean, orderly facility. Good Housekeeping Practices can include but are not limited to:

Improved Operation and Maintenance, including such practices and procedures which ensure that equipment is working properly. Examples include:

- 1) Maintain dry and clean floors and ground surfaces by using brooms, shovels, vacuum cleaners, or cleaning machines.
- 2) Regularly pickup and dispose of garbage and waste material.
- 3) Make sure equipment is working properly.
- 4) Routinely inspect for leaks or other conditions that could lead to discharges of chemicals or contact of water with raw materials,

intermediate materials, waste materials, or products.

5) Ensure that spill cleanup procedures are understood by all employees.

6) Run an industrial yard sweeper on each day that the facility operates to clean all impervious surfaces throughout the property.

Material Storage Practices. Improper storage can result in the release of materials and chemicals that can cause water pollution. Examples include:

1) Providing adequate aisle space to facilitate material transfer and easy access for inspections.

2) Storing containers, drums, and bags away from direct traffic routes to prevent accidental spills.

3) Stacking containers according to the manufacturers' instructions to avoid damaging the containers from improper weight distribution.

4) Storing containers on pallets or similar devices to prevent corrosion of the containers which can result when containers come in contact with moisture on the ground.

5) Assigning the responsibility of hazardous material inventory to a limited number of people who are trained to handle hazardous materials.

Material Inventory Procedures, shall include maintaining an inventory of all materials (hazardous and non hazardous) present on site. These practices will keep material cost down, track how materials are stored and handled on site, and identify which materials and activities pose the most risk to the environment. Examples include:

1) Identify all chemical substances present in the workplace. Walk through the facility and review the purchase orders for the previous year. List all of the chemical substances used in the workplace and then obtain the Material Safety Data Sheet (MSDS) for each.

2) Label all containers to show the name and type of substance, stock number, expiration date, health hazards, suggestions for handling, and first aid information. Unlabeled chemicals and chemicals with deteriorated labels are often disposed of

unnecessarily or improperly.

3) Clearly mark on the inventory hazardous materials that require special handling, storage, use, and disposal considerations.

Employee Training: Frequent training of employees in good housekeeping techniques reduce the possibility that the chemicals or equipment will be mishandled. Examples include:

1) Incorporate information sessions on good housekeeping practices into the facility's employee training program.

2) Discuss good housekeeping at employee meetings.

3) Publicize pollution prevention concepts through posters.

4) Post bulletin boards with updated good housekeeping procedures tips and reminders.

5) Provide continuing instruction and supervision of employees in water use minimization.

(b) Preventive maintenance - A preventive maintenance program shall involve timely inspection and maintenance of storm water management devices, as well as inspecting and testing facility equipment and systems and ensuring appropriate maintenance of such equipment and systems.

(c) Spill Prevention and Response Procedure - If spills have a potential to occur, procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a cleanup should be available.

(d) Inspections - Qualified facility personnel shall be identified to inspect designated equipment and areas of the facility at appropriate intervals specified in the plan. A set of follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections and inspection frequency shall be maintained.

(e) Employee Training - Employee training programs shall inform personnel responsible for implementing activities identified in the storm water plan.

(f) Record Keeping and Internal Reporting Procedures - Incidents such as spills along with other information describing the quality and quantity of storm water discharges shall be included in the records. The facility will maintain and keep up-to-date, a daily log which details the schedule of maintenance activities, inspections, removal of solids, oil and grease, sweeping of yard, sand bag maintenance, or any other appropriate management practices.

(g) Non-storm water discharges - Each plan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges.

(h) Sediment and Erosion Control - Each plan shall identify areas which due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify structural, vegetative, and/or stabilization measures to be used to limit erosion.

(i) Management of Runoff - Each plan shall contain a narrative consideration of the appropriateness of traditional storm water management practices used to divert, infiltrate, reuse or otherwise manage storm water runoff in a manner that reduces pollutants in storm water discharges from the site. Each plan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained.

(4) Comprehensive Site Compliance Evaluation - Qualified personnel shall conduct a site compliance evaluation annually. Records documenting significant observations made during the site inspection shall be retained as part of the SWPPP.

(5) Consistency with other Plans - Storm water management programs may include requirements for Spill Prevention Control and Countermeasures (SPCC) Plans under Section 311 of the Clean Water Act or Best Management Practices (BMPs) programs otherwise required by a State/NPDES permit and may incorporate any part of such plans into the SWPPP by reference.

(6) Additional Requirements - For storm water discharges associated with industrial activity from facilities subject to the Superfund Amendments and Reauthorization Act (SARA) Title III, Section 313 Requirements. SWPPP for facilities subject to reporting requirements under SARA Title III, Section 313 are required to include a discussion of the conformance with the following appropriate guidelines.

In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum one of the following preventive systems or its equivalent shall be used:

(a) curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water runoff to come into contact with significant sources of pollutants; or

(b) roofs, covers, or other forms of appropriate protection to prevent storage piles from exposure to storm water and wind.

(7) The SWPPP shall include a complete discussion of measures taken to conform with the following guidelines, and applicable District of Columbia rules, regulations and guidelines.

(a) Liquid storage areas where storm water comes into contact with any equipment tank, container, or other vessel used for Section 313 water priority chemicals. No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage, such as pressure and temperature, etc. Liquid storage areas for Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include secondary containment provided for at least the entire contents of the largest single tank plus sufficient freeboard to allow for precipitation, a strong spill contingency and integrity testing plan, and/or other equivalent measures.

(b) Material storage areas for Section 313 water priority chemicals other than liquids which are subject to runoff, leaching, or wind blowing shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals. Drainage control shall minimize storm water contact with Section 313 water priority chemicals.

(c) Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Appropriate measures to minimize discharges of Section 313 chemicals may include the placement and maintenance of drip pans where spillage may occur (such as hose connections, hose reels and filler nozzles) for use when making and breaking hose connections, a strong spill contingency and integrity testing plan; and/or equivalent measures.

(d) In plant areas where Section 313 priority chemicals are transferred, processed or otherwise handled piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 water priority chemicals.

(e) Discharges from secondary containment areas shall be restrained by valves or other positive means to prevent a spill or other excessive leakage of Section 313 water priority chemicals into the drainage system. After a visual inspection of the storm water and determination that no product is present, containment areas may be emptied by pumps or ejectors; however, these shall be manually activated.

Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall, as far as is practical, be of manual, open-and-close design.

Records of the frequency and estimated volume (in gallons) of discharges from containment areas shall be kept, at the facility, for a minimum of three years.

If facility drainage is not engineered as above, the final discharge of all in-facility storm sewers shall be equipped to be equivalent with a diversion system that could in the event

of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.

Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems shall be described in the plan and address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

Risk Identification and Assessment/Material Inventory. The SWPPP shall assess the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity. The plan shall include an inventory of the types of materials handled.

Facility employees and contractor personnel that work in areas where Section 313 water priority chemicals are used or stored shall be trained in and informed of preventive measures at the facility. The SWPPP for a facility subject to Section 313 water priority chemicals shall be reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. The plan shall be recertified every three years thereafter.

2. Where a discharge authorized under this permit is later determined by EPA to cause or have a reasonable potential to cause or contribute to non-attainment of an applicable water quality standard or exceedance of a TMDL in the receiving water, the EPA will notify the permittee of such determination. The permittee shall comply with the following protocol to ensure future discharges do not cause or contribute to the non-attainment of a water quality standard or exceedance of a TMDL in the receiving water. Compliance with the following protocol does not preclude any enforcement activity as provided under the Clean Water Act for violations of this permit.

A. Within thirty (30) days of receipt of the EPA notification described above , the permittee shall conduct an investigation to determine the source of pollutants causing or contributing to such an impairment or violation, and their persistence thereof, and shall develop and submit a report for correction of the violations. The report shall be submitted to EPA Region III and the District Department of the Environment and it shall present the results of this investigation, and evaluate whether its SWPPP, when fully implemented, will prevent water quality violations. The report will also include, as necessary and appropriate, recommendations with schedule for implementation of modifications to the SWPPP.

B. If the SWPPP is determined to be adequate by EPA, the permittee shall, depending on the source and persistence of the pollutants causing or contributing to the water quality standard violation, accelerate the implementation schedule of the control measures designed to eliminate discharges of such pollutants into or from the storm water collection systems.

C. If the SWPPP is determined to be inadequate by EPA, the permittee shall develop and implement new and revised BMPs or other storm water quality control measures, pursuant to a time schedule developed by EPA, to prevent future discharges to and from the storm water collection system from violating water quality standards. The discharger shall document

progress of the implementation of new measures in its monthly Discharge Monitoring Reports (DMRs).

3. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any District of Columbia law or regulation under authority preserved by Section 510 of the Act. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

4. All SWPPP prepared as a requirement of this permit shall be submitted to the District Department of the Environment.